

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|   |   |                        |
|---|---|------------------------|
| STRUCTURAL IRON WORKERS                       | ) |                        |
| LOCAL UNION NO. 1 PENSION TRUST               | ) |                        |
| FUND,   | ) |                        |
|   | ) | CASE NO.: 1:14-CV-3591 |
| Plaintiff,                                    | ) |                        |
| vs.   | ) | JUDGE: KENNELLY        |
|   | ) |                        |
| PRECISE STEEL, INC., an Illinois Corporation; | ) | MAG. JUDGE: KIM        |
| and LINDA ROSS, an Individual,                | ) |                        |
|   | ) |                        |
| Defendant.                                    | ) |                        |

**MOTION FOR JUDGMENT IN SUM CERTAIN**

NOW COMES the Plaintiff, STRUCTURAL IRON WORKERS LOCAL UNION NO. 1 PENSION TRUST FUND, by and through its attorneys JOHNSON & KROL, LLC, and moves this Honorable Court for entry of Judgment in Sum Certain in favor of Plaintiff and against the Defendants PRECISE STEEL, INC. ("PRECISE STEEL") and LINDA ROSS ("ROSS"), jointly and severally, and in support state as follows:

1. On or about May 16, 2014, the Plaintiff filed its Complaint in this matter.
2. On or about June 25, 2014, the Plaintiff filed its Motion for Default Judgment as to Liability. (Docket No. 12).
3. On July 7, 2014, this Honorable Court entered an Order for Default Judgment as to Liability and ordered the Defendants to contact Plaintiff's counsel to schedule a payroll compliance audit so the Plaintiff could calculate damages. (Docket No. 15).
4. After petitioning this Honorable Court to enter an Order for Show Cause against the Defendants for their failure to comply with the Default Judgment Order, the Defendants PRECISE STEEL and ROSS scheduled a payroll compliance audit that was completed on September 4, 2014 and September 12, 2014 ("2014 Audit").

5. The 2014 Audit revealed the Defendants PRECISE STEEL and ROSS failed to pay contributions and dues assessments during the period of September 1, 2010 through August 31, 2014 in the amount of \$14,054.64. (A Certification of John Gardiner is attached as Exhibit 1).
6. Moreover, pursuant to the Collective Bargaining Agreement and Trust Agreement, PRECISE STEEL and ROSS owe the Plaintiff \$2,810.93 in liquidated damages, \$1,428.34 in unpaid interest, and \$1,859.81 in auditor fees as a result of the unpaid contributions revealed by the 2014 Audit. (Exhibit 1).
7. The 2014 Audit also revealed that PRECISE STEEL and ROSS owe the Plaintiff \$648.00 in unpaid annuity contributions on behalf of Loyal Dodd for June 2011. (Exhibit 1).
8. PRECISE STEEL and ROSS failed to pay contributions on behalf of their employee Bobby Ross pursuant to PRECISE STEEL's 1952 Rule obligation in the amount of \$5,709.08 through June 30, 2014. (Exhibit 1).
9. PRECISE STEEL and ROSS owe \$23,995.42 under the breached Settlement Agreement. (Exhibit 1).
10. Pursuant to the Settlement Agreement, Collective Bargaining Agreement and 29 U.S.C. §1132(g)(2), the Plaintiff has incurred additional attorney's fees and costs from March 20, 2014 to present in the amount of \$7,444.04, which should be awarded to the Plaintiff. (Certification of Matthew D. Grabell is attached as Exhibit 2).
11. On June 24, 2014, the Plaintiff collected on a \$30,000.00 letter of credit belonging to the Defendants PRECISE STEEL and ROSS. (Exhibit 1).
12. As a result, the total aggregate amount owed by the Defendants PRECISE STEEL and ROSS is \$27,950.26.

13. A Proposed Order has been submitted to the Court.

**WHEREFORE,** Plaintiff respectfully requests that this Court enter Final Judgment in Sum Certain in favor of Plaintiff and against the Defendants and Order the following:

1. Judgment in favor of Plaintiff and against the Defendants PRECISE STEEL and ROSS, jointly and severally, in the aggregate amount of \$27,950.26; and
2. That Plaintiff has such other relief and further relief as the Court may deem just and equitable all at Defendant's cost, pursuant to 29 U.S.C. §1132(g)(2)(E).

Respectfully Submitted,

**STRUCTURAL IRON WORKERS  
LOCAL UNION NO. 1 PENSION  
TRUST FUND**

/s/ Matthew D. Grabell – 6312929  
One of Plaintiff's Attorneys

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